

Protecting and Restoring Wetlands

Wetlands provide a number of environmentally and economically important functions in watersheds, such as flood control, water quality protection, ground water recharge, spawning areas for fish, and wildlife habitat. By the mid-20th century, when improved scientific understanding brought public recognition of these contributions, the coterminous United States had lost more than 50 percent of its original wetlands base. Nationally more than 100 million acres of wetlands had been drained or filled, and in many watersheds less than 15 percent of the original wetland acreage remained. As a result, our waters are more polluted, our cities and farms are more prone to floods, and many wetland-dependent species are in decline, threatened, or endangered. Although wetland conversions continue, the national loss rate has declined significantly over the past 40 years—from 460,000 acres to 60,000 acres annually. Other stressors, however, now affect wetland health, including pollutant loadings, hydrological modification, invasive species, and habitat fragmentation. Over the past decade, OWOW has worked toward a bal-

anced framework of voluntary stewardship and protection programs, strengthened state and tribal programs, promoted regulatory protection for wetlands, emphasized restoration of former wetlands, and developed tools for wetland monitoring.

Avoidance/No Net Loss of Wetlands

To increase protection of the nation's critical resource waters and floodplains, OWOW worked with the USACE to adopt two new general conditions in the Nationwide Permit Program. In addition, to help ensure mitigation accountability in the Wetlands Regulatory Program, OWOW led an interagency team that issued final guidance on the use of in-lieu-fee compensatory mitigation that will help ensure effective replacement of impacted wetlands.

Strengthened State/Tribal/Local Wetlands Programs

OWOW provides technical information, program guidance, and financial assistance to help strengthen state, tribal, and

Wetlands Regulatory Program

Under Clean Water Act (CWA) section 404, a permit must be obtained before dredged or fill material may be discharged into "waters of the United States," which include many wetlands. This permit program is administered by the Army Corps of Engineers (USACE) or approved states under guidelines issued by EPA. It ensures that the environmental impacts of proposed discharges are avoided and minimized to the extent practicable, and that unavoidable impacts are mitigated or offset through wetland restoration or other activities. Over the past decade, OWOW has worked closely with the USACE to clarify the requirements of the program and to improve environmental performance.

In 2000 Nationwide General Permit 26, the long-debated "catch-all" authorization that was the single largest source of generally permitted wetland losses, was eliminated. The underpinnings of this nationwide permit had been challenged by the National Academy of Sciences, and it was replaced by six activity-specific general permits limited to minimal environmental impacts. In addition, in 2000 the threshold for obtaining a Nationwide General Permit was lowered to 1/2 acre (from 10 acres as late as 1996), and significant conditions protecting floodplains and critical resource waters were added. In 2000 EPA worked with the USACE on regulatory changes (known as the "Tulloch Rule") to clarify the scope of activities covered under section 404 to ensure that activities such as mechanized excavation, channelization, and other activities that involve discharges of dredged or fill materials are evaluated under CWA permitting requirements.



John McShane, U.S. Environmental Protection Agency

local capacities to protect and manage our nation's wetlands. The Wetland Program Development Grants Program, which began in FY1990 at \$1 million per year, now provides \$15 million annually to states, tribes, territories, and local governments to establish effective programs to safeguard wetland resources. These grants have funded more than 1,000 projects, including efforts to incorporate wetlands into traditional water programs, monitor and assess the quantity and quality of wetlands, enhance restoration techniques, educate the public about wetlands, and develop partnerships at the watershed level. In addition, OWOW's partnerships with the Association of State Wetland Managers and the Association of State Floodplain Managers has also helped enhance state capacity. EPA funding has gone to support training and conferences on wetland protection and restoration strategies, reaching more than 5,000 people in the past decade.

State Assumption and State Programmatic Permits

OWOW worked closely with Michigan and New Jersey to help them assume the federal permit program. EPA assisted New Jersey in developing the legislation needed to meet the assumption requirements, assisted in developing implementing regulations, and coordinated with the other involved federal agencies (USACE, Fish and Wildlife Service). Other states (such as Maine, New Hampshire, Rhode Island, Massachusetts, Connecticut, Vermont, Pennsylvania, and Maryland) administer State Program General Permits (SPGPs) as a means to reduce unnecessary duplication between state and federal programs. In these (and other states with comprehensive or partial SPGPs) the state's permit can eliminate the need to get a separate permit from the Corps of Engineers. SPGPs can serve as a stepping stone toward full assumption of the federal permit program. Additional funding to assist state efforts to become more active partners in wetlands protection, management, and restoration can increase the states' involvement nationwide and can

lead toward more states assuming the federal permit program.

Outreach is another important tool used to increase long-term wetland conservation and management by enhancing public understanding of the value of wetlands and supporting innovative programs that encourage private, state, tribal, and local actions to conserve wetlands.

National Wetlands Awards

Since 1989 OWOW and the Environmental Law Institute have cosponsored the National Wetlands Awards Program. Since 1999 cosponsorship has expanded to include the Forest Service, the Natural Resources Conservation Service, the National Marine Fisheries Service, and the Fish and Wildlife Service. The awards program is designed to honor individuals from across the country who have demonstrated outstanding innovation and dedication to wetlands education, research, volunteer leadership, private land stewardship, development, and wetland program development. The winners provide shining examples of how individuals can make a difference in wetland protection and restoration.



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Wetland Mitigation Banking

Wetland mitigation banking can result in environmentally sound compensatory mitigation and be an effective tool for watershed managers. In 1995 EPA and four other agencies issued the *Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks*, laying out how and when banking might be appropriately used. Mitigation banks help ensure mitigation occurs in advance of adverse project impacts and can result in economies of scale relating to the planning, implementation, monitoring, and management of mitigation projects. In addition, banks can be a way to reduce uncertainty in the section 404 permit program, by providing a source of effective compensatory mitigation for unavoidable impacts. Currently, more than 300 mitigation banks are operating or in the final stages of approval.

American Wetlands Month

In 1990 OWOW joined its partners in establishing American Wetlands Month. Across the country every May, federal agencies, state, tribal, and local governments, and private and nonprofit organizations celebrate the vital role our nation's wetlands play in the ecological and economic system. American Wetlands Month conferences, held every year since

1996 have attracted more than 1,400 people from across the country who have shared valuable information on wetland conservation and education efforts.

Wetlands Helpline

In 1991 OWOW established a toll-free information service on wetlands. The Helpline (1-800-832-7828) has provided information to more than 50,000 callers.

The Five-Star Restoration Program

The Five-Star Program (www.epa.gov/owow/wetlands/restore/5star) is so named because each project involves at least five partners. It often brings together organizations that have not traditionally worked together, including local corporations, public interest groups, youth corps, students, and government agencies. This voluntary partnership program offers a model for working together to improve our waters. None of us can do it alone, and we certainly will not move ahead if we duplicate efforts and compete with each other.

One important aspect of the program is to provide young people with work experience, on-the-job training, and education in land stewardship and ecosystem restoration to secure ecological, educational, and social benefits for the community. Many Five-Star projects provide outdoor classroom or alternative education experiences for at-risk youth. This approach helps prepare the nation's environmental workforce for the future and develops an informed citizenry to meet the environmental challenges of tomorrow. Since the start of the Five-Star Program in 1998, the program has received more than 500 proposals representing every state of the union, involving close to 2,000 partner organizations. For the 105 projects selected to date, partners have matched the federal grant dollars received with an average of more than four times more, contributed in funding or in-kind services.

